

TENNESSEE REGULATORY AUTHORITY

Melvin Malone, Chairman
Lynn Greer, Director
Sara Kyle, Director

APR 7 7 02
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

EXECUTIVE SECRETARY

April 7, 2000

VIA FACSIMILE AND U.S. MAIL

John Knox Walkup, Esq.
Wyatt, Tarrant & Combs
511 Union Street, Suite 1500
Nashville, Tennessee 37219-1750

R. Dale Grimes, Esq.
Bass, Berry & Sims, PLC
2700 First American Center
Nashville, Tennessee 37238-2700

Guy M. Hicks, Esq.
Patrick W. Turner, Esq.
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300

D. Billye Sanders, Esq.
Waller, Lansden, Dortch & Davis
511 Union Street, Suite 2100
Nashville, Tennessee 37210-1750

Henry Walker, Esq.
Boult, Cummings, Conner & Berry
414 Union Street, Suite 1600
Nashville, Tennessee 37219-8062

Charles B. Welch, Jr., Esq.
Farris, Mathews, Branan,
Bobango & Hellen, PLC
618 Church Street, Suite 300
Nashville, Tennessee 37219

Lee J. Bloomfield, Esq.
Allen, Godwin, Morris, Laurenzi
& Bloomfield, P.C.
One Memphis Place
200 Jefferson Avenue, Suite 1400
Memphis, Tennessee 38103

Re: Application of Memphis Networx, L.L.C. for a Certificate of Public Convenience and Necessity to Provide Intrastate Telecommunication Services and Joint Petition of Memphis Light Gas & Water Division, A Division of the City of Memphis, Tennessee ("MLGW") and A & L Networks-Tennessee, L.L.C. ("A & L") for Approval of Agreement Between MLGW and A & L Regarding Joint Ownership of Memphis Networx, L.L.C.

Docket No. 99-00909

Early in this proceeding, the parties agreed that this matter could be heard by the Tennessee Regulatory Authority in a two-day hearing and a hearing was scheduled accordingly. Over the course of several Status and Pre-Hearing Conferences which have totaled many hours, I have facilitated discussions that might lead to stipulations of facts or the admission of documents

Telephone (615) 741-2904, Toll-Free 1-800-342-8359, Facsimile (615) 741-5015

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in an attempt to narrow the issues for consideration by the Directors and streamline the hearing process. To afford the Intervenor the opportunity to fully present their case without unduly delaying or lengthening the hearing, I permitted the taking of depositions of two witnesses, Alex Lowe and Larry Thompson, in advance of the scheduled hearing dates of April 13 and 14.

Those depositions, scheduled for April 6, were cancelled on April 6 at the request of the parties. In lieu of deposition testimony, the Applicant and Joint Petitioners, with the agreement of the Intervenor, requested that Mr. Lowe and Mr. Thompson present live testimony at the hearing. This request adds two witnesses to the hearing. Furthermore, Mr. Lowe has now been designated as official representative for the Joint Petitioner, A & L Networks-Tennessee, L.L.C.

By itself, the addition of Mr. Lowe and Mr. Thompson as witnesses presenting testimony at the hearing, has expanded beyond two days the time required for this hearing. The fact that specific evidentiary objections could not be resolved through the taking of those witnesses' depositions will most likely result in lengthy cross-examination of both witnesses. This impact on the hearing schedule, together with the fact that the parties have not been able to stipulate to certain matters as originally anticipated, leads to but one conclusion: this hearing cannot be completed within the two days originally scheduled. I am therefore compelled to continue the hearing from the dates of April 13 and 14, 2000 and will endeavor as soon as possible to re-schedule it for a period of time when at least three consecutive days are available. An order reflecting my decision will issue on Monday, April 10, 2000.

Sincerely,

A handwritten signature in black ink that reads "J. Richard Collier". The signature is written in a cursive, slightly slanted style.

J. Richard Collier
Pre-Hearing Officer

Original filed in No. 99-00909